

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TINA EASLEY and CAROLINE EASLEY : CIVIL ACTION

vs. :

WORLDWIDE RECOVERIES, LLC., et al : NO. 10-3922

ORDER

A default having been entered against defendants Worldwide Recoveries, LLC, Daniel Schiele a/k/a Dan Durbin, a/k/a Dan Durbinschiele and Chris Meyers on October 18, 2010, a hearing was held in this action on January 20, 2011. Those defendants were notified of the hearing but did not appear.

Defendants John Does 1-10 not having been identified or served, the complaint against defendants John Does 1-10 is DISMISSED.

Plaintiff Caroline Easley testified by affidavit. I conclude that it was proper to receive such testimony because Caroline was unavailable: she is 78 years of age and has diabetes. However, I also conclude that, pursuant to 15 U.S.C. § 1692b, defendant Durbin's telephone conversation with Caroline on May 28, 2010, was not a violation of the Fair Debt Collection Practices Act. Accordingly, Caroline Easley's complaint against defendants Worldwide Recoveries, LLC, Daniel Schiele a/k/a Dan Durbin, a/k/a Dan Durbinschiele and Chris Meyers is DISMISSED.

I find that defendants' telephone calls to Tina Easley's employer violated the Act, 15 U.S.C. § 1692c(b), and caused Tina acute emotional distress. Two of these calls were made by

defendant Durbin on behalf of Worldwide Recoveries, LLC and two by defendant Meyers on behalf of Worldwide Recoveries, LLC.

Pursuant to 15 U.S.C. § 1692k(a)(3) I will award attorney's fees in the amount of \$6,434.00 and costs in the amount \$551.13. I find that the costs were reasonably incurred and the hourly rates and time expended reasonable.

Judgment hereby is entered in favor of Tina Easley and against defendants Worldwide Recoveries, LLC, Daniel Schiele a/k/a Dan Durbin, a/k/a Dan Durbinschiele, and Chris Meyers as follows:

1. \$1,000 for the statutory penalty, liability of the three defendants is joint and several;
2. \$6,985.13 for attorney's fees and costs, liability of the three defendants is joint and several;
3. \$12,000 compensatory damages against defendant Worldwide Recoveries, LLC;
4. \$6,000 compensatory damages against defendant Daniel Schiele a/k/a Dan Durbin, a/k/a Dan Durbinschiele;
5. \$6,000 compensatory damages against defendant Chris Meyers.

In no event is plaintiff entitled to collect on these judgments more than \$19,985.13 plus interest at the legal rate from the date of this Order and in no event shall either individual defendant be required to pay more than \$13,985.13 plus interest at the legal rate from the date of this Order.

DATED: January 24, 2011

/s/ Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR. J.

